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WLH-7945

JUN 17 2004 *LL*CERTIFICATION OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.



Signature

June 17, 2004

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No. : 09/762,143 Confirmation No: 8412

Applicant : Leopold Hackl

Filed : January 31, 2001

Art Unit : 5611

Examiner : N/A

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Docket No. : WLH-7945

3 MAY 2005

Customer No. : 24131

Legal Staff
International DivisionPETITION UNDER 37 CFR 1.181

(alternative PETITION UNDER 37 CFR 1.137(a))

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENTHon. Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

This is in response to a Decision on Petition dated June 10, 2004. In the Decision, the Office of PCT Legal Administration agreed with counsel's Petition and acknowledged that the underlying facts spoke in favor of applicant. The Petition, however, was treated as moot because there had allegedly been an earlier

Petition dated June 10, 2004

Response to Decision on Petition of June 10, 2004

communication which required a response and applicant had not provided the required response.

The earlier communication allegedly was a *Decision on 37 CFR 1.42 Papers* dated July 16, 2001. The earlier Decision required, as an outstanding requirement, proof that Eva Maria Hackl was indeed either the only heir or the legal representative to the deceased inventor, Leopold Hackl. The required proof can be provided by applicant by way of a declaration submitted by counsel.

The Decision of July 16, 2001 was never received. Enclosed herewith is the required proof – including a copy of the file wrapper cover, a copy of counsel's docket book page of September 16, 2001, and a verified statement by counsel's office manager – showing that the Decision was never received and was probably never sent by the Office.

In satisfaction of the outstanding requirement, counsel herewith states that, on information and belief, Eva Maria Hackl is the sole heir of the deceased inventor Leopold Hackl. The Declaration was therefore signed by all required parties.

The Office, and particularly the PCT Legal Office, is urged to carefully treat this application from now on. Applicant has been subjected to simply too many mistakes by the Office and applicant is in effect being denied a chance to properly pursue the merits of this application and to invest the efforts and expenses into meritorious aspects of this application for patent. The Office is further urged to telephone counsel, should any further objections remain so that this application may now finally, after approximately 3 ½ years, be subjected to examination.

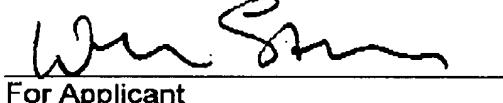
Petition dated June 10, 2004

Response to Decision on Petition of June 10, 2004

The rescission of the abandonment and a favorable response are solicited.

Should any monies be due with this Petition, or should the Petition be alternatively treated as a Rule 137(a) Petition, counsel herewith states that the entire delay in filing the required reply from the abandonment to this grantable petition was unavoidable. Should any monies be due, please charge counsel's deposit account 12-1099.

Respectfully submitted,



For Applicant

WERNER H. STEINER
REG. NO. 34,956

WHS:tk

June 17, 2004

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DECLARATION

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Christine Kahl, hereby state that:

I am employed at Lerner and Greenberg, P.A.. My employment title is "office manager" and "head managerial assistant." I am in charge of organizing and supervising the docketing system and I supervise all staff working with the docket system and the mail system;

I have personally reviewed the file jacket as well as the pertinent pages of the docket book, as well as the computer records pertaining to the above-identified application. There is no entry to be found which would indicate that a Decision on Petition was ever received on or after July 16, 2001. A corresponding entry would indeed appear in the docket book page pertaining to September 16, 2001 (i.e., the Decision set a two-month response date), and a corresponding entry would appear on the file jacket. Lerner and Greenberg, under my managerial control, has in place very stringent procedures which assure that such entries are diligently and responsibly made and the firm's entire docket system is carefully crafted with checks and balances to assure that omissions of this type cannot occur;

I have concluded from my review that no Decision was ever received from the United States Patent and Trademark Office with a mail date of July 16, 2001 prior to the fax transmission on June 14, 2004;

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Christine Kahl
Christine Kahl

June 17, 2004
Date

WLH-7995

Inventor Leopold Haeckel

Group _____ Room _____ Examiner _____
Client _____
Remarks _____

Foreign Cases

Germany 19834596.8 July 31, 1998

1/31/01 OFFICE ACTIONS -filed	Due Dates	AMENDMENTS
2/24/04 Amendment 6/10/04 of Pmt 1	3/14/04 Pmt 1 7/10/04 Pmt 1	3/21/04 Pmt 1 8/18/04 IDS P.A.

Document

Client Deepak Jaikumar

Schnell

2001. 259th day - 106 days follow

SUNDAY

16

SEPTEMBER

2001 Mp-Nr. 99/546 Bonn 6/13 New Applic / Sent 9/17
GP97P2301 Engelhardt Brief received Not ✓
A-2519 Üss 14HC Response +110 / Sent 9/17
10/15 GR98P1127 Hermann Response +110 / Talandand 8/17
9/17 ER99P2149 Hörsinge (CH) VPP Response +110 / Sent 9/17
2 10/15 6899P1441 P Hermann New Applic / sent 9/17
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